IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDCITION
WRIT PETITION NO.850 OF 2007

Ramanna A. Shetty
Proprietor of Hotel Santosh .....Petitioner.

V/s

State of Maharashtra & Ors. ....Respondents.

Mr. S.V. Sadavarte for the Petitioner.

Mr. K.R. Belosey, Acting G.P. for the Respondents.

ALONGWITH
WRIT PETITION NO.851 OF 2007

Prabhakar Shetty,
Proprietor of M/s Sajani
Bar & Restaurant ....Petitioner.

V/s

State of Maharashtra & Ors. ....Respondents.

Mr. S.V. Sadavarte for the Petitioner.

Mr. K.R. Belosey, Acting G.P. for the Respondents.

ALONGWITH
WRIT PETITION NO.852 OF 2007

Chandras V. Pujari,
Proprietor of M/s Sai
Krupa Hotel .....Petitioner.

V/s

State of Maharashtra & Ors. ....Respondents.

Mr. S.V. Sadavarte for the Petitioner.

Mr. K.R. Belosey, Acting G.P. for the Respondents.

CORAM: V.M. KANADE, J.
DATE : 16TH APRIL, 2007

P.C.:-

1. Rule.

2. Rule is made returnable forthwith by the consent of the Parties. Respondents waive service.

3. Heard the learned Counsel appearing on behalf of the Petitioners and the learned Acting Government Pleader appearing on behalf of the Respondents.

4. All these Petitions can be disposed of by a common order since a common question is involved in all these Petitions.

5. The grievance of the Petitioners is that though appeals have been filed by the Petitioners before the Hon'ble Minister of State challenging the order passed by the Commissioner of Police cancelling their public premises license, neither the appeals nor applications for interim relief have been heard by the Hon'ble Minister so far. It is stated that the Commissioner of Police has cancelled the licenses of the Petitioners only on the ground of pendency of proceedings against the Petitioners. It is submitted that this Hon'ble Court in catena of cases has held that merely because the cases are pending against the Petitioners that by itself would not be a ground for suspending or cancelling the said license. He has annexed judgments and orders passed by this Court in number of matters to these Petitions. He, therefore, submits that during the pendency of appeals before the Hon'ble Minister, the impugned order passed by the Commissioner of Police may be kept suspended or stayed.

6. Mr. Belosey, the learned Acting Government Pleader appearing for the Respondents, submits that the applications for stay were not heard by the Hon'ble Minister and the same are pending. Similarly, appeals also could not be disposed of.

7. In my view, all these Petitions can be disposed of by giving a direction to the Minister to decide the appeals filed by the Petitioners in accordance with law. In the meantime, however, the impugned order passed by the Commissioner of Police is stayed during the pendency of appeals before the Minister.

8. All these Petitions are accordingly disposed of. Rule is made absolute in the above terms.

(V.M. KANADE, J.)